

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Specification and Abstract**

As indicated above, the specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

### **II. 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 1-12, 27, 29 and 30 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the above-mentioned claims were rejected for reciting the term “units,” which allegedly does not provide structure.

This rejection is respectfully traversed, since, as defined in the specification, the various “units” require physical structure. However, in order to expedite the prosecution of this application, the above-mentioned claims have been amended to replace the term “unit,” with the term “device.” It is still the Applicants position that the structure required by the term “device,” is the same as the structure required by the term “unit,” in view of the support provided in the specification.

Therefore, in view of the above-mentioned amendments withdrawal of this rejection is respectfully requested.

### **III. 35 U.S.C. § 101 Rejection**

Claims 26 and 28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 26 and 28 have been cancelled without prejudice or disclaimer of the subject matter recited therein. As a result, withdrawal of this rejection is respectfully requested.

### **IV. 35 U.S.C. § 102(a) Rejection of Claims 1-7, 11, 19-27, 29 and 30**

Claims 1-7, 11, 19-27, 29 and 30 were rejected under 35 U.S.C. § 102(a) as being anticipated by Blants et al. (U.S. 6,231,519). This rejection is believed clearly inapplicable to claims 1-7, 11, 19-27, 29 and 30 for the following reasons.

Initially, independent claims 1, 20, 24, 25, 27 and 29 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the referenced prior art. Further, claim 8 has been cancelled without prejudice or disclaimer of the subject matter recited therein.

It is also noted that claims 1, 2, 4-7, 9-17, 19-25, 27, 29 and 30 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Amended independent claim 1 recites a system including a server, a receiving apparatus, and a plurality of measurement instruments. Further, claim 1 recites that each measurement instrument includes (1) a vital data measurement device operable to measure vital data of a

respective subject, the vital data serving as an indicator of infection. In addition, claim 1 recites that the server includes a value-added information making device (2) operable to process each respective vital data stored in a database, (the processing being based on at least one of measurement position information indicating a position of a respective measurement instrument and residence information indicating a position of a respective residence of a subject at which the respective measurement instrument is placed, which is associated in the database with each respective vital data), and (3) operable to make, from the processed vital data, value-added information indicating, using contour lines on a map, a geographical distribution of epidemic degrees of the infection indicated by each respective vital data. Blants fails to disclose or suggest above-mentioned distinguishing features (1)-(3) as recited in independent claim 1.

Rather, Blants merely teaches a method/apparatus for collecting risk factor information and location data associated with asthma patients and providing information to the asthma patients about air quality (see abstract; Figs 2 and 3). Specifically, Blants teaches that the risk factor information is collected using a Peak Expiratory Flow meter, teaches that the location information is collected using a device, such as a global positioning system, and teaches that the collected information is sent to a server (see col. 4, lines 10-34). In addition, Blants teaches that the collected information is used to develop air quality maps (see col. 5, lines 29-35).

Thus, in view of the above, it is clear that Blants merely teaches that risk factor information is collected from asthma patients using a Peak Expiratory Flow meter, but fails to disclose or suggest the vital data measurement device operable to measure vital data of a respective subject, the vital data serving as an indicator of infection, as required by claim 1.

In addition, it is also apparent that Blants merely teaches that the collected location

information and asthma related risk factor information is stored by a server, but fails to disclose or suggest the value-added information making device operable to process each respective vital data stored in a database, (the processing being based on at least one of measurement position information indicating a position of a respective measurement instrument and residence information indicating a position of a respective residence of a subject at which the respective measurement instrument is placed, which is associated in the database with each respective vital data), as recited in claim 1.

Finally, it is evident that Blants teaches that the collected information is used to develop air quality maps, but fails to disclose or suggest the value-added information making device operable to make, from the processed vital data, value-added information indicating, using contour lines on a map, a geographical distribution of epidemic degrees of the infection indicated by each respective vital data, as required by claim 1.

It is also noted that infections are transmitted from person to person, and it is noted that presenting the epidemic area of the infection according to the degrees of the infection using the value-added information results in identifying a current epidemic area and identifying the infection source in the area. Thus, the vital data utilization system, according to the structure required by claim 1, is capable of showing the epidemic states from the infection source and showing shifts of the epidemic area in the form of maps with contour lines. This visualization, achieved from the structure required by claim 1, provides a result that cannot be achieved by developing air quality maps based on information collected from asthma patients, as disclosed by Blants.

Therefore, because of the above-mentioned distinctions it is believed clear that

independent claim 1 and claims 2-7 and 9-19 that depend therefrom are not anticipated by Blants.

Amended independent claims 20, 24, 25, 27 and 29 are directed to a server apparatus, a method of using a system, a method of using a server, a program and a receiving apparatus, respectively and each recite features that correspond to the above-mentioned distinguishing features (1)-(3) of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 20-25, 27, 29 and 30 are allowable over Blants.

Furthermore, there is no disclosure or suggestion in Blants or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Blants to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claims 1, 20, 24, 25, 27 and 29 and claims 2-7, 9-19, 21-23 and 30 that depend therefrom are clearly allowable over the prior art of record.

**V. 35 U.S.C. § 102(a) Rejection of Claims 1-3, 5, 6, 8, 9, 15, 20 and 22-29**

Claims 1-3, 5, 6, 8, 9, 15, 20 and 22-29 were rejected under 35 U.S.C. § 102(a) as being anticipated by Iwano et al. (U.S. 2003/--14283). This rejection is believed clearly inapplicable to claims 1-3, 5, 6, 8, 9, 15, 20 and 22-29 for the following reasons.

The distinguishing features of amended independent claim 1 are discussed above in section IV.

Iwano merely teaches a medical information system wherein clients with sensors that measure vital information provide the measured vital information to a server. Further, Iwano teaches that the server statistically processes and stores the vital information and provides the

vital information to indicate health conditions of patients.

Thus, in view of the above, it is clear that Iwano also fails to disclose or suggest the vital data measurement device operable to measure vital data of a respective subject, the vital data serving as an indicator of infection, as required by claim 1.

In addition, Iwano also fails to disclose or suggest the value-added information making device operable to process each respective vital data stored in a database, (the processing being based on at least one of measurement position information indicating a position of a respective measurement instrument and residence information indicating a position of a respective residence of a subject at which the respective measurement instrument is placed, which is associated in the database with each respective vital data), as recited in claim 1.

Finally, it is apparent that Iwano fails to disclose or suggest the value-added information making device operable to make, from the processed vital data, value-added information indicating, using contour lines on a map, a geographical distribution of epidemic degrees of the infection indicated by each respective vital data, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-7 and 9-19 that depend therefrom are not anticipated by Iwano.

Amended independent claims 20, 24, 25, 27 and 29 are directed to a server apparatus, a method of using a system, a method of using a server, a program and a receiving apparatus, respectively and each recite features that correspond to the above-mentioned distinguishing features (1)-(3) of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 20-25, 27, 29 and 30 are allowable over Iwano.

Furthermore, there is no disclosure or suggestion in Iwano or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Iwano to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claims 1, 20, 24, 25, 27 and 29 and claims 2-7, 9-19, 21-23 and 30 that depend therefrom are clearly allowable over the prior art of record.

**VI. 35 U.S.C. § 103(a) Rejection of Claims 9-14 and 16-18**

Claims 9-14 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of Iwano, Ito et al. (U.S. 6,572,564), and Reed et al. (U.S. 6,524,239).

As discussed above, Blants and Iwano do not disclose or suggest the invention recited in independent claim 1. Claims 9-14 and 16-18 depend on claim 1. Therefore, Blants and Iwano also does not disclose or suggest the invention recited in claims 9-14 and 16-18. Thus, at least, due to their dependence on claim 1, claims 9-14 and 16-18 would not have been obvious in view of Iwano, Ito and Reed.

## VII. CONCLUSION

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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